

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Deputy Clerk.

**F028471      People v. Kimbrough**  
**F029606      In re Clark Allen Kimbrough on Habeas Corpus**

Cause called and argued by Rachel Lederman, Esq., counsel for appellant. Louis Vasquez, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

**F026413      Eivaz et al. v. Neibauer et al.**

Cause called and argued by Bradley Kass, Esq., counsel for appellant and by Todd Baxter, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, March 17, 1999 at 10:00 A.M.

**F029751      People v. Flores**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030563      In re Irisha P., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030154      People v. Dydra**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F030194      People v. Pena**

The judgment is modified to award a total of 128 days presentence credits and to show imposition of restitution fines under sections 1202.4 and 1202.45 of \$200, rather than \$2,000 each. The trial court is directed to prepare an amended abstract of judgment reflecting the modifications and corrections listed above and transmit a certified copy to the Department of Corrections.

In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030669      People v. Pushkarow**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F028731      Banks v. Jenkins**

The judgment is affirmed. Costs are awarded to respondent. Buckley, J.

We concur: Ardaiz, P.J.; Thaxter, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F026944      People v. Habig**

Defendant's conviction in case No. 10728 for receiving stolen property is reversed. In all other respects, the judgment in that case and in case No. 47684 is affirmed. Buckley, J.

We concur: Ardaiz, P.J.; Thaxter, J.

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**F030977      In re Donyel T. et al., Minors**

That portion of the juvenile court's order which requires appellant to participate in anger management classes as part of her unification plan is ordered stricken. In all other respects, the judgment is affirmed. Ardaiz, P.J.

We concur: Dibiaso, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030403      People v. Martinez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029173      Nulaid Foods, et al. v. A.E. Staley Manufacturing Company**

The order denying Staley's disqualification motion is reversed. The trial court is directed on remand to enter an order granting Staley's motion consistent with the views expressed in this opinion. Staley is awarded costs on appeal. Dibiaso, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029753      People v. Mavrokefalos**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F029208      People v. Randle**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F032500      Jody S. v. Superior Court, Stanislaus County; Department of Social Services**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F030313      People v. Morado, Jr.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F027903      People v. Manning**

The judgment is affirmed. The matter is remanded for determination of the appropriate amount of custody credits to which appellant is entitled. Thaxter, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029777      People v. Woods**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F030868      People v. Jackson, Jr.**

The judgment is affirmed.

By the Court.

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